

PART 1823—ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

Subpart 1823.1—Pollution Control and Clean Air and Water

Sec.

1823.106 Delaying award.

1823.107 Compliance responsibilities.

Subpart 1823.3—Hazardous Material Identification and Material Safety Data

1823.302 Policy.

1823.303 Contract clause.

1823.303-70 NASA clause.

1823.370 Acquisition of potentially hazardous items from or through another Government agency.

Subpart 1823.5—Drug-Free Workplace

1823.570 Drug- and alcohol-free workforce.

1823.570-1 Scope.

1823.570-2 Definitions.

1823.570-3 Contract clause.

1823.570-4 Suspension of payments, termination of contract, and debarment and suspension actions.

Subpart 1823.70—Safety and Health

1823.7000 Scope of subpart.

1823.7001 Policy.

1823.7002 Responsibility.

1823.7003 Hazardous operations.

1823.7004 Contract clause.

Subpart 1823.71—Frequency Authorization

1823.7101 Contract clause.

1823.7102 Procedures.

AUTHORITY: 42 U.S.C. 2473(c)(1).

SOURCE: 54 FR 28266, July 5, 1989, unless otherwise noted.

Subpart 1823.1—Pollution Control and Clean Air and Water

1823.106 Delaying award.

All notifications initiated by the contracting officer under FAR 23.106 shall be submitted to EPA through the Procurement Officer and the Associate Administrator for Procurement, NASA Headquarters (Code HS).

1823.107 Compliance responsibilities.

Notifications under FAR 23.107 shall be submitted through the same channels as under 1823.106.

Subpart 1823.3—Hazardous Material Identification and Material Safety Data

1823.302 Policy.

As authorized under FAR 23.302(c)(2), NASA has designated electrosensitive initiating devices (squibs) a “potentially hazardous” item requiring safety controls.

[54 FR 28266, July 5, 1989, as amended at 57 FR 836, Jan. 9, 1992]

1823.303 Contract clause.

1823.303-70 NASA clause.

The contracting officer shall insert the clause at 1852.223-72, Potentially Hazardous Items, in solicitations and contracts involving potentially hazardous items or components. Identify in the clause the potentially hazardous items or components.

[54 FR 28266, July 5, 1989, as amended at 57 FR 836, Jan. 9, 1992]

1823.370 Acquisition of potentially hazardous items from or through another Government agency.

When acquiring supplies or services from or through another Government agency (e.g., see FAR part 8 and FAR subpart 17.5), NASA shall request that agency to furnish NASA the data required by FAR subpart 23.3 and by the clause at FAR 52.223-3.

[54 FR 28266, July 5, 1989, as amended at 57 FR 836, Jan. 9, 1992]

Subpart 1823.5—Drug-Free Workplace

Source: 61 FR 7225, Feb. 27, 1996, unless otherwise noted.

1823.570 Drug- and alcohol-free workforce.

1823.570-1 Scope.

Sections 1823.570 to 1823.570-4 set forth NASA requirements for mandatory drug and alcohol testing of certain contractor personnel under section 203, National Aeronautics and Space Act of 1958, as amended, 42 U.S.C. 2473, 72 Stat. 429; and Civil Space Employee Testing Act of 1991, Public Law 102-195, sec. 21, 105 Stat. 1616 to 1619.

1823.570-2 Definitions.

As used in this subpart *employee* and *controlled substance* are as defined in FAR 23.503. The use of a controlled substance in accordance with the terms of a valid prescription, or other uses authorized by law shall not be subject to the requirements of 1823.570 to 1823.570-4 and the clause at 1852.223-74.

Employee in a sensitive position means a contractor or subcontractor employee who has been granted access to classified information; a contractor or subcontractor employee in other positions that the contractor or subcontractor determines could reasonably be expected to affect safety, security, National security, or functions other than the foregoing requiring a high degree of trust and confidence; and includes any employee performing in a position designated "mission critical" pursuant to the clause at 1852.246-70. The term also includes any applicant who is interviewed for a position described in this paragraph.

Use, in violation of applicable law or Federal regulation, of alcohol includes having, while on duty or during a preemployment interview, an alcohol concentration of 0.04 percent by weight or more in the blood, as measured by chemical test of the individual's breath or blood. An individual's refusal to submit to such test is presumptive evidence of use, in violation of applicable law or Federal regulation, of alcohol.

1823.570-3 Contract Clause.

The contracting officer shall insert the clause at 1852.223-74, "Drug- and Alcohol-Free Workforce," in all solicitations and contracts containing the clause at 1852.246-70, "Mission Critical Space Systems Personnel Reliability Program," and in other solicitations and contracts exceeding \$5 million in which work is performed by an employee in a sensitive position. However, the contracting officer shall not insert the clause at 1852.223-74 in solicitations and contracts for commercial items (see FAR parts 2 and 12).

1823.570-4 Suspension of payments, termination of contract, and debarment and suspension actions.

The contracting officer shall comply with the procedures of FAR 23.506 re-

garding the suspension of contract payments, the termination of the contract for default, and debarment and suspension of a contractor relative to failure to comply with the clause at 1852.223-74. Causes for suspension of contract payments, termination of the contract for default, and debarment and suspension of the contractor are the following:

(a) The contractor fails to comply with paragraph (b), (c), or (d) of the clause at 1852.223-74; or

(b) Such a number of contractor employees in sensitive positions having been convicted of violations of criminal drug statutes or substantial evidence of drug or alcohol abuse or misuse occurring in the workplace, as to indicate that the contractor has failed to make a good faith effort to provide a drug- and alcohol-free workforce.

Subpart 1823.70—Safety and Health**1823.7000 Scope of subpart.**

This subpart sets forth NASA's safety and health policy, assignment of responsibilities, and requirements relating to its contractors.

1823.7001 Policy.

Contractors and subcontractors shall perform in a safety-and-health-conscious environment that, within the limits of controllable hazards, will—

(a) Protect the life, health, and physical well-being of NASA and contractor employees during their work on NASA programs;

(b) Ensure proper protection of the public from hazards incident to operations of NASA contractors and subcontractors;

(c) Avoid accidental work interruptions that could delay NASA programs;

(d) Prevent contamination of, damage to, and loss of property, supplies, and equipment;

(e) Provide data from which risks and loss factors in space technology related to NASA programs can be accumulated and evaluated; and

(f) Comply with applicable regulations, standards, and guides.